

**U.S. District Court  
District of Columbia (Washington, DC)  
CIVIL DOCKET FOR CASE #: 1:24-cv-02302-JDB**

BLUETRITON BRANDS v. UNITED STATES FOREST SERVICE et  
al

Assigned to: Judge John D. Bates

Cause: 05:0701 Judicial Review of Agency Decision

Date Filed: 08/06/2024

Date Terminated: 11/12/2024

Jury Demand: None

Nature of Suit: 890 Other Statutory Actions

Jurisdiction: U.S. Government Defendant

**Plaintiff**

**BLUETRITON BRANDS**

represented by **Andrew Jacob Turner**  
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*ATTORNEY TO BE NOTICED*

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V.

**Defendant**

**UNITED STATES FOREST SERVICE**

represented by **Tyler McVeigh Alexander**  
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**Maggie Claire Woodward**  
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**ATTORNEY TO BE NOTICED**

**Defendant**

**RANDY MOORE**

*in his official capacity as Chief of the U.S.  
Forest Service*

represented by **Tyler McVeigh Alexander**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Maggie Claire Woodward**  
(See above for address)  
**ATTORNEY TO BE NOTICED**

**Defendant**

**CHRISTOPHER FRENCH**

*in his official capacity as Deputy Chief for the  
National Forest System of the U.S. Forest  
Service*

represented by **Tyler McVeigh Alexander**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Maggie Claire Woodward**  
(See above for address)  
**ATTORNEY TO BE NOTICED**

**Defendant**

**JENNIFER EBERLEIN**

*in her official capacity as Regional Forester for  
the Pacific Southwest Region of the U.S. Forest  
Service*

represented by **Tyler McVeigh Alexander**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Maggie Claire Woodward**  
(See above for address)  
**ATTORNEY TO BE NOTICED**

**Defendant**

**DANELLE HARRISON**

*in her official capacity as Forest Supervisor of  
the San Bernardino National Forest of the U.S.  
Forest Service*

represented by **Tyler McVeigh Alexander**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Maggie Claire Woodward**  
(See above for address)  
**ATTORNEY TO BE NOTICED**

**Defendant**

#2503

**MICHAEL NOBLES**

in his official capacity as Front Country  
District Ranger of the United States Forest  
Service

represented by **Tyler McVeigh Alexander**

(See above for address)

**LEAD ATTORNEY****ATTORNEY TO BE NOTICED****Maggie Claire Woodward**

(See above for address)

**ATTORNEY TO BE NOTICED****Amicus****SAVE OUR FOREST ASSOCIATION, INC.**represented by **Rachel S. Doughty****GREENFIRE LAW, PC**

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**LEAD ATTORNEY****ATTORNEY TO BE NOTICED****Amicus****CALIFORNIA STATE WATER  
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California State Water Resources Control Board

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**LEAD ATTORNEY****ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
08/06/2024	<u>1</u>	COMPLAINT for Declaratory and Injunctive Relief against All Defendants ( Filing fee \$ 405 receipt number ADCDC-11074823) filed by BLUETRITON BRANDS. (Attachments: # <u>1</u> Exhibit 1 – July 26, 2024 Notice of Denial, # <u>2</u> Civil Cover Sheet, # <u>3</u> Summons Proposed Summons – AAG, # <u>4</u> Summons Proposed Summons – Eberlein, # <u>5</u> Summons Proposed Summons – French, # <u>6</u> Summons Proposed Summons – Garland, # <u>7</u> Summons Proposed Summons – Harrison, # <u>8</u> Summons Proposed Summons – Moore, # <u>9</u> Summons Proposed Summons – Nobles, # <u>10</u> Summons Proposed Summons – USAO DDC, # <u>11</u> Summons Proposed Summons – US Forest Service)(Sibley, George) (Attachment 2 replaced on 8/7/2024) (zcb). (Entered: 08/06/2024)
08/06/2024	<u>2</u>	MOTION for Preliminary Injunction by BLUETRITON BRANDS. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Exhibit 1 – Declaration of Mixon, # <u>3</u> Exhibit 2 – NWNA Response, # <u>4</u> Exhibit 3 – Pioneer Title Opinion, # <u>5</u> Exhibit 4 – Del Rosa Judgment, # <u>6</u> Exhibit 5 – Deliverable Item 4.1, # <u>7</u> Exhibit 6 – Name Change Amendment, # <u>8</u> Exhibit 7 – USFS Memo 8-28-1964, # <u>9</u> Exhibit 8 – USFS Memo 4-20-1964, # <u>10</u> Exhibit 9 – Arrowhead Permit signed, # <u>11</u> Exhibit 10 – Letter from L. Lawrence, # <u>12</u> Exhibit 11 – Decision Memo, # <u>13</u> Exhibit 12– HaleyAldrich Memo, # <u>14</u> Exhibit 13 – Excerpt of Order WR 2023-0042, # <u>15</u> Exhibit 14 – 9-29-23 Letter, # <u>16</u> Exhibit 15 – 3-1-24 Letter, # <u>17</u> Exhibit 16 – 4-23-24 Letter, # <u>18</u> Exhibit 17 – 4-24-24 Letter, # <u>19</u> Exhibit 18 – 5-14-24 Letter, # <u>20</u> Exhibit 19 – 5-24-24 Letter, # <u>21</u> Exhibit 20 – 6-4-24 Letter, # <u>22</u> Exhibit 21 – 6-21-24 Letter, # <u>23</u> 22 – Application Denial)(Sibley, George) (Entered: 08/06/2024)

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08/06/2024	<u>3</u>	NOTICE OF RELATED CASE by Save Our Forest Association, Inc.. Case related to Case No. 5:24-cv-01336-JGB-DTB. (Doughty, Rachel) (Main Document 3 replaced on 8/7/2024) (zcb). (Entered: 08/06/2024)
08/07/2024	<u>1</u>	Case Assigned to Judge John D. Bates. (zcb) (Entered: 08/07/2024)
08/07/2024	<u>4</u>	SUMMONS (9) Issued Electronically as to JENNIFER EBERLEIN, CHRISTOPHER FRENCH, DANELLE HARRISON, MICHAEL NOBLES, RANDY MOORE, UNITED STATES FOREST SERVICE, U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Notice and Consent)(zcb) (Entered: 08/07/2024)
08/07/2024	<u>5</u>	NOTICE of Appearance by Tyler McVeigh Alexander on behalf of All Defendants (Alexander, Tyler) (Entered: 08/07/2024)
08/09/2024	<u>6</u>	NOTICE of <i>Objection to Non-Party Save our Forest Association, Inc's Notice of Designation of Related Civil Cases</i> by BLUETRITON BRANDS re <u>3</u> Notice of Related Case (Sibley, George) (Entered: 08/09/2024)
08/12/2024	<u>7</u>	NOTICE OF PENDENCY OF OTHER ACTIONS OR PROCEEDINGS by SAVE OUR FOREST ASSOCIATION, INC. (Doughty, Rachel) (Entered: 08/12/2024)
08/12/2024	<u>8</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 8/7/2024. Answer due for ALL FEDERAL DEFENDANTS by 10/6/2024. (Sibley, George) (Entered: 08/12/2024)
08/12/2024	<u>9</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General August 12, 2024. (Sibley, George) (Entered: 08/12/2024)
08/12/2024	<u>10</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. UNITED STATES FOREST SERVICE served on 8/12/2024 (Sibley, George) (Entered: 08/12/2024)
08/12/2024	<u>11</u>	Affidavit of Service (Sibley, George) Modified on 8/14/2024 to correct event(zjm). (Entered: 08/12/2024)
08/12/2024	<u>12</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. RANDY MOORE served on 8/12/2024 (Sibley, George) (Entered: 08/12/2024)
08/12/2024	<u>13</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. CHRISTOPHER FRENCH served on 8/12/2024 (Sibley, George) (Entered: 08/12/2024)
08/13/2024	<u>14</u>	NOTICE of Appearance by Maggie Claire Woodward on behalf of All Defendants (Woodward, Maggie) (Entered: 08/13/2024)
08/13/2024	<u>15</u>	Memorandum in opposition to re <u>2</u> Motion for Preliminary Injunction,,, filed by JENNIFER EBERLEIN, CHRISTOPHER FRENCH, DANELLE HARRISON, MICHAEL NOBLES, RANDY MOORE, UNITED STATES FOREST SERVICE. (Attachments: # <u>1</u> Affidavit Declaration of Forest Supervisor Danelle D. Harrison, # <u>2</u> Affidavit Declaration of Forest Hydrologist Noel Ludwig, # <u>3</u> Exhibit July 26, 2024 Letter from District Ranger Michael Nobles Denying Application, # <u>4</u> Exhibit Special Use Permit FCD728503, # <u>5</u> Exhibit February 21, 2023 Letter from Larry Lawrence Applying for Reauthorization of Special Use Permit FCD728503, # <u>6</u> Exhibit September 19, 2023 Cease and Desist Order from California State Water Resources Control Board, # <u>7</u> Exhibit June 27, 2018 Decision Memo Authorizing Continued Occupancy at Water Sources Within the Strawberry Creek Watershed, # <u>8</u> Exhibit July 21, 2023 Letter from District Ranger Michael Nobles, # <u>9</u> Exhibit September 29, 2023 Letter from District Ranger Michael Nobles, # <u>10</u> Exhibit March 1, 2024 Letter from District Ranger Michael Nobles, # <u>11</u> Exhibit April 18, 2024 Letter from District Ranger Michael Nobles, # <u>12</u> Exhibit April 24, 2024 Letter from District Ranger Michael Nobles, # <u>13</u> Exhibit May 24, 2024 Letter from District Ranger Michael Nobles, #

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14 Exhibit Forest Service Water Diversion Records November 2023 through June 2024, # 15 Exhibit June 21, 2024 Letter from District Ranger Michael Nobles, # 16 Exhibit March 25, 2024 Letter from District Ranger Michael Nobles, # 17 Exhibit April 23, 2024 Letter from Louis W. Mixon, III, # 18 Exhibit May 14, 2024 Letter from Louis W. Mixon, III, # 19 Exhibit June 4, 2024 Letter from Louis W. Mixon, III, # 20 Exhibit July 1, 2023 Letter from Louis W. Mixon, III, # 21 Exhibit August 2, 2024 Letter from Forest Supervisor Danelle Harrison, # 22 Exhibit February 7, 2024 Order Granting Stay)(Alexander, Tyler) (Entered: 08/13/2024)

08/14/2024	<u>16</u>	MOTION for Leave to File <i>Amicus Curiae Brief</i> by SAVE OUR FOREST ASSOCIATION, INC.. (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Exhibit Proposed Amicus Brief, # <u>3</u> Exhibit Declaration of Rachel Doughty, # <u>4</u> Exhibit Declaration of Steve Loe, # <u>5</u> Exhibit Declaration of Amanda Frye, # <u>6</u> Exhibit Declaration of Hugh Bialecki)(Doughty, Rachel) (Entered: 08/14/2024)
08/14/2024	<u>17</u>	NOTICE of Appearance by Andrew Jacob Turner on behalf of BLUETRITON BRANDS (Turner, Andrew) (Entered: 08/14/2024)
08/14/2024	<u>18</u>	NOTICE of Non–opposition to Save Our Forest Association's Motion for Leave to File an <i>Amicus Curiae Brief in Support of U.S. Forest Service</i> by BLUETRITON BRANDS re <u>16</u> Motion for Leave to File, (Sibley, George) (Entered: 08/14/2024)
08/15/2024	<u>1</u>	MINUTE ORDER: Upon consideration of <u>16</u> third–party Save Our Forest Association's motion for leave to file an amicus curiae brief in support of the U.S. Forest Service, and the entire record herein, it is hereby ORDERED that the motion is GRANTED. SO ORDERED. Signed by Judge John D. Bates on 8/15/24. (lcjdb3) (Entered: 08/15/2024)
08/15/2024	<u>19</u>	AMICUS BRIEF by SAVE OUR FOREST ASSOCIATION, INC. (zed) (Additional attachment(s) added on 8/19/2024: # <u>1</u> Exhibit Declaration of Rachel Doughty, # <u>2</u> Exhibit Declaration of Steve Loe, # <u>3</u> Exhibit Declaration of Amanda Frye, # <u>4</u> Exhibit Declaration of Hugh Bialecki) (zjm). (Entered: 08/15/2024)
08/15/2024	<u>1</u>	MINUTE ORDER: Upon consideration of <u>15</u> defendant's memorandum in opposition and <u>19</u> Save Our Forest Association's amicus brief in support of the U.S. Forest Service, it is hereby ORDERED that plaintiff shall file any reply by not later than August 20, 2024. SO ORDERED. Signed by Judge John D. Bates on 8/15/24. (lcjdb3) Modified docket text on 8/16/2024 (zed). (Entered: 08/15/2024)
08/19/2024	<u>20</u>	NOTICE of Availability of Counsel by JENNIFER EBERLEIN, CHRISTOPHER FRENCH, DANELLE HARRISON, MICHAEL NOBLES, RANDY MOORE, UNITED STATES FOREST SERVICE (Alexander, Tyler) (Entered: 08/19/2024)
08/20/2024	<u>21</u>	NOTICE of Availability of Counsel for Hearing on Plaintiff's Motion for Preliminary Injunction by BLUETRITON BRANDS (Sibley, George) (Entered: 08/20/2024)
08/20/2024	<u>22</u>	AMICUS BRIEF of CA SWRCB ISO Def's Oppo to P's Mtn for Prelim Injunction by CALIFORNIA STATE WATER RESOURCES CONTROL BOARD. (Fuchs, Daniel) (Entered: 08/20/2024)
08/20/2024	<u>23</u>	REPLY to opposition to motion re <u>2</u> MOTION for Preliminary Injunction <i>Reply in Support of Motion for Preliminary Injunction</i> filed by BLUETRITON BRANDS. (Sibley, George) (Entered: 08/20/2024)
08/21/2024	<u>24</u>	Unopposed MOTION for Leave to File <i>Response to Amicus Brief of California State Water Resources Control Board</i> by BLUETRITON BRANDS. (Sibley, George) (Entered: 08/21/2024)
08/21/2024	<u>1</u>	MINUTE ORDER: Upon consideration of <u>24</u> plaintiff's unopposed motion for leave to file a response to <u>22</u> the California State Water Resources Control Board's amicus brief in support of defendant's opposition to plaintiff's motion for a preliminary injunction, and the entire record herein, it is hereby ORDERED that the motion is GRANTED; and it is further ORDERED that plaintiff shall file a response of not more than five pages by not later than August 23, 2024. SO ORDERED.



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Signed by Judge John D. Bates on 8/21/2024. (lcjdb3) (Entered: 08/21/2024)

08/22/2024	<u>25</u>	MOTION for Hearing <i>OF REQUEST TO APPEAR AND ARGUE AT HEARING ON MOITON PRELIMINARY INJUNCTION</i> by SAVE OUR FOREST ASSOCIATION, INC. re <u>2</u> Motion for Preliminary Injunction,,, <u>19</u> Amicus Brief, (Doughty, Rachel) Modified on 8/23/2024 to correct event (zjm). (Entered: 08/22/2024)
08/23/2024	<u>26</u>	RESPONSE re <u>22</u> Amicus Brief <i>Response to Amicus Brief of California State Water Resources Control Board</i> filed by BLUETRITON BRANDS. (Sibley, George) Modified link on 8/26/2024 (znmw). (Entered: 08/23/2024)
08/28/2024	<u>27</u>	NOTICE of <i>Extended Authorization for Pipeline Use</i> by JENNIFER EBERLEIN, CHRISTOPHER FRENCH, DANELLE HARRISON, MICHAEL NOBLES, RANDY MOORE, UNITED STATES FOREST SERVICE (Attachments: # <u>1</u> Exhibit August 26, 2024 Letter from Forest Supervisor Danelle Harrison)(Woodward, Maggie) (Entered: 08/28/2024)
08/28/2024	<u>28</u>	MOTION to Transfer Case <i>to the Central District of California</i> by JENNIFER EBERLEIN, CHRISTOPHER FRENCH, DANELLE HARRISON, MICHAEL NOBLES, RANDY MOORE, UNITED STATES FOREST SERVICE. (Woodward, Maggie) (Entered: 08/28/2024)
09/11/2024	<u>29</u>	Memorandum in opposition to re <u>28</u> Motion to Transfer Case filed by BLUETRITON BRANDS. (Sibley, George) (Entered: 09/11/2024)
09/18/2024	<u>30</u>	REPLY to opposition to motion re <u>28</u> MOTION to Transfer Case <i>to the Central District of California</i> filed by JENNIFER EBERLEIN, CHRISTOPHER FRENCH, DANELLE HARRISON, MICHAEL NOBLES, RANDY MOORE, UNITED STATES FOREST SERVICE. (Alexander, Tyler) (Entered: 09/18/2024)
10/07/2024	<u>31</u>	NOTICE of Appearance by Kevin S. Elliker on behalf of BLUETRITON BRANDS (Elliker, Kevin) (Entered: 10/07/2024)
10/07/2024	<u>32</u>	Consent MOTION for Extension of Time to File Answer re <u>1</u> Complaint,, by JENNIFER EBERLEIN, CHRISTOPHER FRENCH, DANELLE HARRISON, MICHAEL NOBLES, RANDY MOORE, UNITED STATES FOREST SERVICE. (Attachments: # <u>1</u> Text of Proposed Order)(Woodward, Maggie) (Entered: 10/07/2024)
10/08/2024	<u>32</u>	MINUTE ORDER: Upon consideration of <u>32</u> defendants' consent motion for extension of time to respond to the complaint, and the entire record herein, it is hereby ORDERED that defendants' motion is GRANTED; and it is further ORDERED that defendants shall file their answer by not later than October 21, 2024. SO ORDERED. Signed by Judge John D. Bates on 10/8/2024. (lcjdb3) (Entered: 10/08/2024)
10/21/2024	<u>33</u>	ANSWER to Complaint by JENNIFER EBERLEIN, CHRISTOPHER FRENCH, DANELLE HARRISON, MICHAEL NOBLES, RANDY MOORE, UNITED STATES FOREST SERVICE.(Alexander, Tyler) (Entered: 10/21/2024)
10/22/2024	<u>34</u>	NOTICE <i>Regarding Submission of Decommissioning Plan</i> by BLUETRITON BRANDS (Sibley, George) (Entered: 10/22/2024)
10/23/2024	<u>35</u>	MEMORANDUM OPINION and ORDER granting <u>28</u> defendants' motion to transfer the case. See text of Order for details. Signed by Judge John D. Bates on 10/23/2024. (lcjdb3) (Entered: 10/23/2024)
11/04/2024	<u>36</u>	Case transferred to the USDC for the District Court for the Central District of California. pursuant to <u>35</u> Order on Motion to Transfer Case, Sent to Court via extraction. (zdp) (Entered: 11/04/2024)
11/04/2024	<u>37</u>	Case transferred to the USDC for the Central District of California pursuant to <u>35</u> Order on Motion to Transfer Case, Sent to Court via extraction. (zdp) (Entered: 11/15/2024)